

EXHIBIT “1”

General Civil Case Filing Information Form (Non-Domestic)

Court ☐ Superior ☒ State County Fulton Date Filed MM-DD-YYYY
 Docket # _____

Plaintiff(s)**Defendant(s)**Wahna, MorgannGlobal Lending Services LLC

Last First Middle I. Suffix Prefix Maiden

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Last First Middle I. Suffix Prefix Maiden

No. of Plaintiff(s) 1No. of Defendant(s) 1Plaintiff/Petitioner's Attorney ☐ Pro SeEvins, Richard F.

Last First Middle I. Suffix

Bar # 253360**Check Primary Type (Check only ONE)**

- ☐ Contract/Account
☐ Wills/Estate
☐ Real Property
☐ Dispossession/Distress
☐ Personal Property
☐ Equity
☐ Habeas Corpus
☐ Appeals, Reviews
☐ Post Judgment Garnishment, Attachment, or Other Relief
☐ Non-Domestic Contempt
☐ Tort (If tort, fill in right column)
☒ Other General Civil Specify _____

TCPA**If Tort is Case Type:**

(Check no more than TWO)

- ☐ Auto Accident
☐ Premises Liability
☐ Medical Malpractice
☐ Other Professional Negligence
☐ Product Liability
☐ Product Liability
☐ Other Specify _____

Are Punitive Damages Pleaded?☐ Yes ☐ No

GEORGIA, FULTON COUNTY

DO NOT WRITE IN THIS SPACE

STATE COURT OF FULTON COUNTY
Civil Division

CIVIL ACTION FILE #: _____

Morgann Wanha

Plaintiff's Name, Address, City, State, Zip Code

vs.

Global Lending Services LLC

c/o Cogency Global Inc., 900 Old Roswell Lakes Pkwy., Ste 310

Roswell, GA 30076

Defendant's Name, Address, City, State, Zip Code

TYPE OF SUIT

AMOUNT OF SUIT

<input type="checkbox"/> ACCOUNT	PRINCIPAL \$ <u>TBD</u>
<input type="checkbox"/> CONTRACT	
<input type="checkbox"/> NOTE	INTEREST \$ <u>TBD</u>
<input type="checkbox"/> TORT	
<input type="checkbox"/> PERSONAL INJURY	ATTY. FEES \$ <u>TBD</u>
<input type="checkbox"/> FOREIGN JUDGMENT	
<input type="checkbox"/> TROVER	COURT COST \$ _____
<input type="checkbox"/> SPECIAL LIEN	

<input type="checkbox"/> NEW FILING	
<input type="checkbox"/> RE-FILING: PREVIOUS CASE NO.	_____

SUMMONS

TO THE ABOVE NAMED-DEFENDANT:

You are hereby required to file with the Clerk of said court and to serve a copy on the Plaintiff's Attorney, or on Plaintiff if no Attorney, to-wit:

Name: Richard F. Evins, The Evins Law Firm, LLCAddress: 567 Seminole Drive NECity, State, Zip Code: Marietta, GA 30060Phone No.: (770) 592-2780

An answer to this complaint, which is herewith served on you, should be filed within thirty (30) days after service, not counting the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint, plus cost of this action. **DEFENSE MAY BE MADE & JURY TRIAL DEMANDED**, via electronic filing through E-file GA or, if desired, at the e-filing public access terminal in the Self-Help Center at 185 Central Ave., S.W., Ground Floor, Room TG300, Atlanta, GA 30303.

3/29/2018 10:07 AM

LeNora Ponzo, Interim Chief Clerk (electronic signature)

If the sum claimed in the suit, or value of the property sued for, is \$300.00 or more Principal, the defendant must admit or deny the paragraphs of plaintiff's petition by making written Answer. Such paragraphs undenied will be taken as true. If the plaintiff's petition is sworn to, or if suit is based on an unconditional contract in writing, then the defendant's answer must be sworn to.

If the principal sum claimed in the suit, or value of the property sued for, is less than \$300.00, and is on a note, unconditional contract, account sworn to, or the petition sworn to, defense must be made by filing a sworn answer setting up the facts relied on as a defense.

SERVICE INFORMATION:

Served, this _____ day of _____, 20____.

DEPUTY MARSHAL, STATE COURT OF FULTON COUNTY

WRITE VERDICT HERE:

We, the jury, find for _____

This _____ day of _____, 20____. _____ Foreperson

(STAPLE TO FRONT OF COMPLAINT)

IN THE STATE COURT OF FULTON COUNTY**STATE OF GEORGIA**

MORGANN WANHA)

Plaintiff,)

v.)

GLOBAL LENDING SERVICES LLC)

Defendant.)

CIVIL ACTION FILE

NO. _____

COMPLAINT FOR DAMAGES

Plaintiff, Morgann Wanha, sues Defendant, Global Lending Services LLC, (hereinafter "Defendant" or "Global") and for her complaint alleges:

SUMMARY OF CASE

1.

This is a complaint for money damages arising out of Defendant's violations of the Telephone Consumer Protection Act, 47 USC § 227 et seq. ("TCPA"). Plaintiff contends that Defendant has violated said law by repeatedly calling Plaintiff's cell phone without consent.

PARTIES

2.

Plaintiff, Morgann Wanha, is a citizen of Cobb County, Georgia and is a protected person defined by the Telephone Consumer Protection Act.

3.

Defendant is a foreign limited liability company, doing business in Georgia. Defendant's Principal Office is located at 1200 Brookfield Blvd., Ste. 300, Greenville, SC, 29607. Defendant may be served by and through its registered agent for service of process in Georgia, to wit: Cogency Global Inc., 900 Old Roswell Lakes Parkway, Suite 310, Roswell, GA 30076.

JURISDICTION

4.

Defendant transacts business within the State of Georgia. The Defendant caused injury to the Plaintiff within the State of Georgia by way of its debt collection activities.

5.

Jurisdiction is proper under O.C.G.A. §9-10-91 because a substantial part of the events or omissions on which the claim is based occurred in Georgia.

VENUE

6.

Venue is proper in Fulton County, Georgia pursuant to O.C.G.A. §14-11-1108.

GENERAL ALLEGATIONS

7.

In or around January, 2016, Plaintiff purchased a motor vehicle from Autonation Chevrolet Northpoint in Alpharetta, Georgia.

8.

In connection with the sale of the vehicle, Plaintiff entered into a Retail Installment Sale Contract with Autonation. On information and belief, Autonation assigned its interest in the contract to Defendant Global.

9.

Plaintiff has made payments to Defendant on the vehicle since February, 2016.

10.

Prior to August 7, 2017, Defendant began calling Plaintiff's cell phone, telephone number xxx-xxx-8526 (hereinafter "Cell Phone"), in regard to payment or collection issues pertaining to the vehicle.

11.

On or about August 7, 2017 Plaintiff instructed Defendant on a recorded line not to call her Cell Phone, thereby revoking any previous consent that Defendant may have provided to receive calls on her cell phone.

12.

Despite being instructed not to call Plaintiff's Cell Phone, and not having Defendant's consent to do so, Defendant made, between August 10, 2017 and March 20, 2018, at least 134 calls to Plaintiff's Cell Phone in an attempt to collect a debt. On information and belief, Defendant used an automated telephone dialing system for each of these 134 calls.

13.

On information and belief, Defendant's automated dialing system would have the capacity to store or produce telephone numbers to be called, using a random or sequential number generator or an artificial or pre-recorded voice; and to dial such numbers as specified by 47 U.S.C. §227(a)(1).

14.

Defendant has, or should be in possession or control of phone logs, auto-dialer reports or other records that would detail the exact number of auto-dialer phone calls made to Plaintiff during the relevant time period.

15.

Defendant knowingly and willfully engaged in the harassment and abuse of Plaintiff on 134 occasions by causing an auto-dialing system to repeatedly call Plaintiff's Cell Phone without Plaintiff's consent. As a result, Plaintiff has suffered statutory and actual damages in the form of emotional distress, frustration, worry, anger and/or loss of enjoyment of life.

16.

Plaintiff's Cell Phone was located within the State of Georgia.

17.

Defendant's calls to Plaintiff's Cell Phone were without permission or consent nor were they made for emergency purposes.

18.

Before the calls were made, Defendant was aware of the prohibitions under the TCPA on making such calls without Plaintiff's consent.

19.

The illegal phone call dates and time are set forth in the attached Exhibit "A".

COUNT I

DEFENDANT'S VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT

20.

Plaintiff re-alleges and incorporates herein by reference thereto the preceding paragraphs of the within and foregoing Complaint.

21.

The Telephone Consumer Protection Act, 47 U.S.C. § 227(b)(1), states in part: PROHIBITIONS.—it shall be unlawful for any person within the United States, or any person outside the United States if the recipient is within the United States—
(A) to make any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system or an artificial or prerecorded voice—
(iii) to any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service for which the called party is charged for the call;

22.

47 USC § 227(b)(3)(B) provides for actual damages or \$500.00, whichever is greater, for each violation of subsection (b) of 47 USC § 227. Further, 47 USC § 227(b)(3)(C) provides that “If the court finds that the defendant willfully or knowingly violated this subsection or the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B) of this paragraph.

23.

Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C. §227(b)(1)(A) (iii) by calling the Plaintiff’s cell phone when it was aware of the prohibitions set forth in the Telephone Consumer Protection Act, and when it knew or should have known that it was calling Plaintiff’s Cell Phone without permission.

24.

Plaintiff has suffered actual damages in an amount to be determined at trial, along with statutory damages of at least:

- (a) \$500.00 for each of the 134 phone calls for a total of \$67,000 pursuant to 47 U.S.C. §227(b)(3)(B); plus
- (b) Additional damages of \$134,000 for willful and knowing violations of the TCPA pursuant to 47 U.S.C. §227(b)(3).

COUNT II

ATTORNEYS' FEES AND LEGAL EXPENSES

25.

Plaintiff re-alleges and incorporates herein by reference thereto the preceding paragraphs of the within and foregoing Complaint.

26.

Defendant has acted in bad faith and caused Plaintiff unnecessary trouble and expense so as to entitle plaintiff to recover her litigation expenses, including reasonable attorneys' fees, pursuant to O.C.G.A. §13-6-11.

WHEREFORE Plaintiff prays as follows:

(a) That Plaintiff be awarded statutory damages, actual damages, treble damages, cost and expenses of litigation and reasonable attorneys' fees in an amount to be determined by the enlightened conscience of the trier of fact; and

(b) That Plaintiff be awarded court costs and all other relief as this Court may deem just and proper.

This 29 day of March, 2018.

THE EVINS LAW FIRM, LLC

BY: 

Richard F. Evins
GA Bar No. 253360

Counsel for Plaintiff
567 Seminole Drive NE
Marietta, GA 30060
Telephone: (770) 592-2780
Facsimile: (770) 592-7793
revins@evinslegal.com

State Court of Fulton County

****E-FILED****

18EV001397

3/29/2018 10:07 AM

LeNora Ponzo, Clerk

Civil Division

EXHIBIT "A"

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Length of Voicemail</u>
8/10/2017	5:34 PM	call with voicemail	50 seconds
8/11/2017	5:41 PM	call with voicemail	50 seconds
8/12/2017	3:25 PM	call with voicemail	50 seconds
8/14/2017	3:37 PM	call with voicemail	50 seconds
8/15/2017	8:01 PM	call with voicemail	50 seconds
8/16/2017	6:07 PM	call with voicemail	50 seconds
8/17/2017	7:43 PM	call with voicemail	50 seconds
8/22/2017	11:43 AM	call with voicemail	50 seconds
8/23/2017	11:43 AM	call with voicemail	50 seconds
8/24/2017	5:33 PM	call with voicemail	50 seconds
8/25/2017	6:13 PM	call with voicemail	50 seconds
8/26/2017	2:16 PM	call with voicemail	50 seconds
8/28/2017	8:16 PM	call with voicemail	50 seconds
8/29/2017	6:28 PM	call with voicemail	50 seconds
8/30/2017	6:33 PM	call with voicemail	50 seconds
8/31/2017	6:16 PM	call with voicemail	50 seconds
9/1/2017	6:40 PM	call with voicemail	50 seconds
9/2/2017	3:45 PM	call with voicemail	50 seconds
9/4/2017	2:45 PM	call with voicemail	50 seconds
9/5/2017	7:14 PM	call with voicemail	50 seconds
9/6/2017	4:59 PM	call with voicemail	50 seconds
9/7/2017	6:20 PM	call with voicemail	50 seconds
9/8/2017	4:55 PM	call with voicemail	50 seconds
9/9/2017	3:15 PM	call with voicemail	50 seconds
9/11/2017	5:19 PM	call with voicemail	50 seconds
9/27/2017	5:32 PM	call with voicemail	50 seconds
9/28/2017	5:19 PM	call with voicemail	50 seconds
9/30/2017	3:35 PM	call with voicemail	50 seconds
10/2/2017	5:54 PM	call with voicemail	50 seconds
10/3/2017	5:34 PM	call with voicemail	50 seconds
10/4/2017	5:20 PM	call with voicemail	50 seconds
10/5/2017	4:52 PM	call with voicemail	50 seconds
10/6/2017	4:53 PM	call with voicemail	50 seconds
10/7/2017	3:55 PM	call with voicemail	50 seconds
10/9/2017	5:04 PM	call with voicemail	50 seconds
10/10/2017	5:48 PM	call with voicemail	51 seconds
10/11/2017	4:18 PM	call with voicemail	51 seconds
10/12/2017	5:26 PM	call with voicemail	51 seconds
10/13/2017	10:47 AM	call	
10/16/2017	5:17 PM	call	
10/17/2017	10:44 AM	call	
10/18/2017	10:38 AM	call	
10/19/2017	3:17 PM	call	
10/19/2017	7:49 PM	call	
10/24/2017	8:00 AM	call	
10/24/2017	1:00 PM	call	

10/24/2017 4:48 PM call with voicemail 51 seconds
10/25/2017 8:48 AM call
10/25/2017 3:46 PM call
10/25/2017 6:10 PM call with voicemail 51 seconds
10/26/2017 8:20 AM call
10/26/2017 1:35 PM call
10/26/2017 4:51 PM call with voicemail 51 seconds
10/27/2017 8:38 AM call
10/27/2017 2:26 PM call
10/27/2017 5:46 PM call with voicemail 51 seconds
10/28/2017 8:18 AM call
10/28/2017 1:58 PM call
10/28/2017 3:30 PM call with voicemail 51 seconds
10/30/2017 8:36 AM call
10/30/2017 1:51 PM call
10/30/2017 5:32 PM call with voicemail 51 seconds
10/31/2017 8:41 AM call
10/31/2017 4:37 PM call
10/31/2017 6:54 PM call with voicemail 51 seconds
11/1/2017 8:42 AM call
11/1/2017 2:26 PM call
11/1/2017 5:34 PM call with voicemail 51 seconds
11/2/2017 8:26 AM call
11/2/2017 2:16 PM call
11/2/2017 4:55 PM call with voicemail 51 seconds
11/3/2017 8:27 AM call
11/3/2017 2:08 PM call
11/3/2017 5:21 PM call with voicemail 51 seconds
11/4/2017 8:22 AM call
11/4/2017 1:51 PM call
11/4/2017 3:25 PM call with voicemail 51 seconds
11/6/2017 8:24 AM call
11/6/2017 2:33 PM call
11/6/2017 5:21 PM call with voicemail 51 seconds
11/7/2017 5:54 PM call with voicemail 51 seconds
11/8/2017 8:16 AM call
11/8/2017 11:19 AM call
11/8/2017 1:34 PM call
11/9/2017 8:38 AM call
11/9/2017 2:29 PM call
11/9/2017 5:55 PM call with voicemail 51 seconds
11/10/2017 8:28 AM call
11/10/2017 1:00 PM call
11/10/2017 5:41 PM call with voicemail 51 seconds
11/11/2017 8:40 AM call
11/11/2017 3:15 PM call with voicemail 51 seconds
11/18/2017 10:00 AM call with voicemail 59 seconds

11/21/2017 12:00 PM call with voicemail 51 seconds
11/22/2017 11:35 AM call with voicemail 50 seconds
11/24/2017 8:55 AM call
11/24/2017 2:53 PM call
11/24/2017 5:20 PM call with voicemail 50 seconds
11/25/2017 8:07 AM call
11/25/2017 12:58 PM call
11/25/2017 2:50 PM call with voicemail 50 seconds
11/27/2017 8:45 AM call
11/27/2017 3:38 PM call
11/27/2017 5:42 PM call with voicemail 50 seconds
11/28/2017 2:37 PM call
11/28/2017 4:45 PM call with voicemail 50 seconds
11/29/2017 8:46 AM call
11/29/2017 2:00 PM call
11/29/2017 5:08 PM call with voicemail 50 seconds
11/30/2017 8:33 AM call
11/30/2017 1:47 PM call
11/30/2017 3:50 PM call with voicemail 50 seconds
12/9/2017 3:03 PM call with voicemail 50 seconds
12/11/2017 5:33 PM call with voicemail 51 seconds
12/23/2017 10:09 AM call with voicemail 59 seconds
12/26/2017 10:34 AM call with voicemail 59 seconds
1/2/2018 5:18 PM call with voicemail 50 seconds
1/3/2018 5:18 PM call with voicemail 50 seconds
1/4/2018 4:56 PM call with voicemail 50 seconds
1/5/2018 4:57 PM call with voicemail 50 seconds
1/6/2018 3:51 PM call with voicemail 50 seconds
1/8/2018 6:30 PM call with voicemail 50 seconds
1/9/2018 6:30 PM call with voicemail 50 seconds
1/10/2018 4:55 PM call with voicemail 50 seconds
1/11/2018 5:57 PM call with voicemail 50 seconds
1/20/2018 10:03 AM call with voicemail 60 seconds
1/27/2018 10:09 AM call with voicemail 59 seconds
2/3/2018 9:56 AM call with voicemail 59 seconds
2/12/2018 4:46 PM call with voicemail 50 seconds
2/14/2018 4:38 PM call with voicemail 50 seconds
2/15/2018 7:51 PM call with voicemail 50 seconds
2/16/2018 4:08 PM call with voicemail 50 seconds
2/17/2018 2:53 PM call with voicemail 50 seconds
3/20/2018 4:04 PM call with voicemail 50 seconds

SHERIFF'S ENTRY OF SERVICE

SC-85-2

CLYDE CASTLEBERRY CO., COVINGTON, GA 30015

Civil Action No. 18EV001397
 Date Filed 3/29/2018

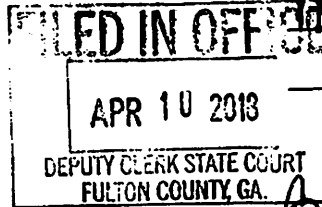
Superior Court ☐
 State Court ☒
 Juvenile Court ☐

Magistrate Court ☐
 Probate Court ☐

Georgia, Fulton COUNTY

Attorney's Address

The Evins Law Firm, LLC
 567 Seminole Drive NE
 Marietta, GA 30060
 Phone: (770) 592-2780
 Fax: (770) 592-7793

Morgan Wanka

Plaintiff

VS.

Global Lending Services LLC

Name and Address of Party to be Served.

Global Lending Services LLC
Clu Agency Global Inc.
900 Old Roswell Lakes Pkwy Ste 310
Roswell, GA 30076

Defendant

Garnishee

SHERIFF'S ENTRY OF SERVICE

PERSONAL

I have this day served the defendant _____ personally with a copy
☐ of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a
 copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of _____ described as follows:
 age, about _____ years; weight _____ pounds; height, about _____ feet and _____ inches, domiciled at the residence of
 defendant.

CORPORATION

Served the defendant Global Lending Services LLC a corporation
☒ by leaving a copy of the within action and summons with Clu Agency Global Inc. Old Christy Dabek
 in charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said
 affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the
 defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the
 place stated in the summons.

NON EST

☐ Diligent search made and defendant _____
 not to be found in the jurisdiction of this Court.

This 6th day of April, 2018.Sgt G Sobon 415

DEPUTY

SHERIFF DOCKET _____ PAGE _____